

Statement by
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Testimony before the
U.S. House of Representatives Committee on Resources

"Indian Trust Fund Accounts: the Department of the Interior's Restructuring Proposal and the Impacts of the Court Order Closing Access to the Department's Computer System"

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I would like to thank you, Chairman Hansen, and Ranking Member Rahall for providing me with the opportunity to testify before this committee on this extremely important issue. My name is Michael Jandreau and I am the chairman of the Lower Brule Sioux Tribe in South Dakota. I am here today representing the Great Plains Region, which include the 16 tribes in North Dakota, South Dakota, and Nebraska.

Indian Country is facing many pressing issues that would be excellent topics for a Congressional hearing. Indian health care is one example. The Great Plains Region leads the country in almost every negative health statistic available. We have the lowest life expectancy of any group in the country, and alcoholism and diabetes are ravaging our communities. There are also pressing economic development needs. According to 2000 Census figures, South Dakota Indian Reservations are home to five of the poorest counties per capita in the entire United States. We have an average unemployment rate of 75% on reservations throughout the Great Plains.

While these are issues that we look forward to working with this committee to address, we are here today discussing BIA reorganization, trust reform, and our concern about losing the already scarce resources we have available to us at the local government level.

The issues of trust reform and reorganization within the BIA are nothing new to us in Indian Country. We have endured many efforts - some well intentioned and some clearly not - to fix, reform, adjust, improve, streamline, downsize, and even terminate the BIA and its trust activities. We have endured these efforts through both Republican and Democratic administrations. Unfortunately, they have rarely sought meaningful involvement from tribal leadership, nor recognized the federal government's treaty obligations to tribes. These are both critical if we hope to find a workable solution to this very real problem.

The Bush Administration recently announced the latest effort to reorganize these structures and shuffle responsibilities - this one mandated by a federal court. The Administration responded to the demands of the court by quickly drafting a plan to fix the trust mess. However, it did so without consulting the very people who would be affected by such a massive restructuring - Indians. Not surprisingly, this proposal has been met with concern, suspicion, fear, and even outrage from Indian people across the country. BIA reorganization has become the most important issue on our reservations.

As in the past, this proposal did not seek early input from elected Indian leaders. In fact, we were not consulted until the Administration had devised and released a plan. It was only in response to our unanimous rejection that a consultation process was devised and instituted.

Open listening sessions have been held across the country, and now a Tribal Task Force has been formed to meet with Interior Department officials to discuss trust reform and the reorganization of the BIA. I sit on

that task force. This should have been the first step in the process, not the last.

I am very concerned because the Court Monitor, Joseph S. Keiffer, III, in his most recent report to the U.S. District Court for the District of Columbia, stated that the Office of Indian Trust Transition (OITT) will continue to pursue trust reform activities while the consultation process continues. How can the Department of Interior be meeting with tribal leaders to discuss the reform of the BIA, while the OITT is simultaneously working implement trust reform measures that have not been (and will not be) discussed with tribal leaders? Mr. Chairman, if this is consultation then we are doomed even before we start.

Another group, the Special Trustees Advisory Board has recommended and supported the creation of an entirely new agency to be solely responsible to manage the federal government's "trust responsibilities." It recommends that the new agency provide a historical accounting of assets of individual Indians and tribes, data cleanup and future management of these activities out side the BIA.

While these are not unimportant steps, they miss the bigger picture. Tribal leaders have stressed that trust responsibility goes much deeper than finding and implementing certain management tools. The federal government must act in light of the moral obligation to tribes that it has voluntarily assumed. This obligation is reinforced by the fact that the federal government signed treaties with sovereign Indian tribal governments, not individual Indians or members of any advisory board. During the listening sessions and other dialog, this strong belief has resonated throughout each conversation that tribal leaders have with the administration and Congress.

If we want a solution that works, I feel all of the OITT's ongoing activity must be stopped. Furthermore, it is not enough that a plan simply be agreed to or endorsed by the Special Trustee's Advisory Board. Elected representatives of tribal nations must be consulted throughout the entire process, and their ideas must be incorporated into any solution. Without this, we will end up with another reform attempt that costs taxpayers millions of dollars, undermines local tribal self-determination, and does nothing to solve the problem. Let's not forget that we are here today because similar reform attempts have failed in the past.

It is no secret that the federal government has failed in its mission to correctly manage the assets of our Indian people. We need an accountable entity that will find a solution and resolve the past mismanagement problems. But any effort to find a solution should not be at the expense of Indian people across this country. The lives of our people are difficult on a good day. Our people must deal with poverty, alcoholism, shortened life expectancy, inadequate housing, lack of transportation, and other challenges. They look to tribal governments for assistance, and we look to all levels of the federal government for the resources we need to deal effectively with these problems. We will only be successful if the lives of these people are bettered by the outcome of this process. We are very concerned that taking responsibilities, manpower, authority, prestige and massive resources away from the BIA, while creating an entirely new, expensive, out of reach bureaucracy, does nothing to better the lives of our Indian people back home on our reservations.

For these reasons, we cannot support the idea of stripping the "trust responsibilities" from the BIA to create a new agency. For Indian people, the BIA is synonymous with trust responsibility. We know that trust reform management must be reorganized and consolidated under one entity, but that entity should remain under one assistant secretary within the BIA. This will drive a solution to the problem, but will not pillage the resources that tribal governments need to govern effectively and provide efficient services to their people.

You cannot take the heart out of a man and expect him to live. If you take away the "trust" then we, as

Indian people, will eventually die. That is how we are viewing the reorganization plan by this Administration. It takes our elders back to that dark time prior to the Reorganization Act of 1934, when their land and assets were disappearing because the government was not upholding its treaty obligations. It is our hope that this administration does not seek to destroy the reservation system as we know it and terminate of their treaty responsibilities to tribal governments. I stand ready to work with this committee and with all parties who are interested in finding a solution to this problem that will help those who need it most - Indian people.

Thank you and I am ready to answer any questions that the committee may have.

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